

In the claims:

1. (Currently amended) An isolated promoter sequence for the human telomerase RNA (hTR) gene, consisting of SEQ ID NO: 36, or a sequence having 95% homology with SEQ ID NO: 36, ~~or a functional fragment of either,~~ said sequence or functional fragment initiating transcription of DNA operably linked downstream of said promoter sequence.

2. (Currently amended) ~~The~~ An isolated promoter sequence, ~~according to claim 1 wherein the promoter sequence is construct~~ hProm505, consisting of nucleotides 422 to 867 of SEQ ID NO: 36 or a sequence having 95% homology therewith.

3. (Currently amended) The isolated promoter sequence according to claim 1 wherein the promoter sequence is construct hProm867 SEQ ID NO: 36.

4. (Canceled)

5. (Currently amended) The isolated promoter sequence according to claim 1 or claim 2 operably linked to a heterologous nucleic acid coding sequence or gene.

6. (Currently amended) A nucleic acid construct comprising the promoter sequence according to claim 1 or claim 2, operably linked to a heterologous gene.

7. (Previously presented) The nucleic acid construct according to claim 6, wherein the heterologous gene encodes a cytotoxin.

8. (Currently amended) A vector comprising the isolated

promoter sequence according to claim 1 or claim 2.

9. (Currently amended) An isolated host cell comprising the isolated promoter sequence according to claim 1 or claim 2.

10. (Previously presented) An isolated host cell comprising the nucleic acid construct according to claim 6.

11-27. (canceled)

28. (Previously amended) An isolated host cell comprising the nucleic acid construct according to claim 7.

29. (Canceled)

30. (Currently amended) ~~The~~ An isolated promoter sequence ~~according to claim 1 wherein the promoter sequence is construct~~ hProm697, consisting of nucleotides 170 to 867 of SEQ ID NO: 36 or a sequence having 95% homology therewith.

31. (Currently amended) ~~The~~ An isolated promoter sequence ~~according to claim 1 wherein the promoter sequence is construct~~ hProm341, consisting of nucleotides 527 to 867 of SEQ ID NO: 36 or a sequence having 95% homology therewith.

32-44 (Canceled)

45. (Previously presented) The nucleic acid construct according to claim 6, wherein the heterologous gene encodes an enzyme capable of converting a prodrug to an active compound.

46. (Previously presented) An isolated promoter sequence

for the human telomerase RNA (hTR) gene, comprising construct hProm697, nucleotides 170 to 867 of SEQ ID NO: 36, said promoter sequence initiating transcription of DNA operably linked downstream of said promoter sequence.

47. (Previously presented) The isolated promoter sequence according to claim 46, wherein the promoter sequence comprises construct hProm867 (SEQ ID NO: 36).

48. (Previously presented) The isolated promoter sequence according to claim 46 operably linked to a heterologous nucleic acid coding sequence or gene.

49. (Previously presented) A nucleic acid construct comprising the promoter sequence according to claim 47, operably linked to a heterologous gene.

50. (Previously presented) An isolated host cell comprising the promoter sequence of claim 46.

51. (Previously presented) An isolated host cell comprising the sequence of claim 48.

52. (Previously presented) An isolated host cell comprising the sequence of claim 49.